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Convention on the Rights of the Child

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Committee on the Rights of the Child
Sixty-eighth session
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Item 4 of the provisional agenda
Consideration of reports of States parties

List of issues in relation to the report submitted by Iraq under article 12, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

Addendum

Replies of Iraq to the list of issues*

[Date received: 22 December 2014]

1. With regard to paragraph 1 of the list of issues, the Ministry of the Interior has formed a committee (the Central Committee to Combat Human Trafficking) which reports directly to the Office of the Minister of the Interior and has branches in all the governorates and representation in the Region of Kurdistan. This Committee formulates plans and programmes to combat human trafficking, submits the necessary recommendations to the authorities concerned, monitors their implementation, conducts awareness-raising campaigns and publishes an annual report illustrating the Government's role in putting an end to this phenomenon.

2. With regard to paragraph 2 of the list of issues, the current lack of data is attributable to the fact that the issues referred to in that paragraph do not constiute a phenomenon in Iraqi society in which they occur only very rarely.

3. With regard to paragraph 3 of the list of issues, the Ministry of Human Rights, through its National Centre for Human Rights, is implementing human rights training, awareness-raising and educational programmes, thereby making the public more alert to the offences referred to in the Optional Protocol. The academic curricula at the various stages of education help to raise awareness in this connection and civil society organizations are

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also involved in these activities. The Ministry of Labour and Social Affairs has set up an emergency hotline (No. 116) for children which has been in operation since 2011 and the Community Police and Family Protection Directorate also operates two hotlines (07704370634 at Karkh and 07704376350 at Rusafa).

4. With regard to paragraph 4 of the list of issues, the Ministry of Human Rights, through its National Centre for Human Rights, plans and programmes workshops and training courses on the Convention on the Rights of the Child and its two Optional Protocols with a view to building the capacities of law enforcement officials in the ministries responsible for the implementation of the Convention and the Optional Protocols thereto.

5. With regard to paragraph 6 of the list of issues, the Human Trafficking Act No. 28 of 2012 contains 14 articles designed to prevent the proliferation of human trafficking by criminalizing it and prescribing penalties for the perpetrators of such offences prejudicial to human dignity. The provisions of the Criminal Code (Act No. 111 of 1969) apply in all cases not specifically covered by the Human Trafficking Act.

6. With regard to paragraph 7 of the list of issues, article 398 of the Criminal Code (Act No. 111 of 1969), as amended, applies to the following offences:

(a) Rape;

(b) Sodomy;

(c) Indecent assault.

7. With regard to paragraph 8 of the list of issues, concerning the definition of certain terms:

"Consent", in the sense in which it is used in article 393 of the Iraqi Criminal Code (Act No.111 of 1969), as amended, means acceptance by any person of a proposal made by another person (male or female) without such acceptance being flawed by any factor such as coercion or lack of acquiescence.

"Acts of immorality" consist in acts of prostitution and fornication, their adoption as a profession, and engagement in disgraceful and shameful acts (article 399).

"Acts of indecency", as defined in article 400, are shameful acts committed with any male or female person without the latter's consent.

8. With regard to paragraph 9 of the list of issues, any government official who is found to have aided and abetted in acts of trafficking is punishable under the provisions of article 6 of the Human Trafficking Act No. 28 of 2012. The penalty is life imprisonment and a fine of not less than 15 million Iraqi dinars.

9. With regard to paragraph 10 of the list of issues, we wish to make it clear that all the practices referred to therein occur outside the law. The Ministry of Human Rights organizes educational courses and workshops on these matters in order to put an end to such practices and increase social awareness thereof.

10. With regard to paragraph 12 of the list of issues, the testimony of a child under the age of 15 is not taken into account if the child is the only witness in the case.

11. With regard to paragraph 13 of the list of issues, the following psychological support centres have been opened:

- Two centres in Baghdad;
- A centre in Basra;

- A centre in Karbala;
- Two centres in the Region of Kurdistan.

During the period 2011–2013, psychological support was received by an estimated 13,724 children ranging from 5 to 15 years of age.